

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5130 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

BALLABHAI D. PATEL & 4

Versus

COMPTENT AUTHORITY & DY. COLLECTOR, ULC, & 2

Appearance:

MR YN OZA for Petitioners

MR MUKESH A PATEL for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/09/1999

ORAL JUDGEMENT

1. This matter was admitted on 19th June, 1990 and the Court made the following order:

Rule. By way of interim relief the respondents are restrained from taking over possession of the land in question from the petitioners.

2. In the special civil application it has been given out by the petitioners that they are in possession

of the disputed land which prima-facie the Court has accepted and on 19th June, 1990, the aforesaid order has been passed whereby the respondents were restrained from taking over possession of the land in question from them.

3. This order has been passed on 19th June, 1990 and more than nine years have already been passed but the respondents have not filed any reply to the special civil application. Not only this, they have not filed any application for vacation of the interim relief which has been granted by this court in favour of the petitioners. From this conduct of the respondents it is to be inferred that they admit that the petitioners are in possession of the land in dispute.

4. In view of this admission of the respondents, now this special civil application abates under the provisions of Urban Land (Ceiling & Regulation) Repeal Act, 1999 and accordingly it is ordered to be dismissed as having abated. Rule discharged. Interim relief granted by this court stands vacated. No order as to costs. Liberty is granted to the respondents for revival of this special civil application in case of difficulty.

zgs/-